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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,095	02/11/2004	Takashi Imai	03500.100171.	1582
5514 7590 04/28/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
ZHENG, JACKY X				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/775,095

**Applicant(s)**

IMAI ET AL.

**Examiner**

JACKY X. ZHENG

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34, 37 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34, 37 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on February 11, 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/22/08 & 11/10/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This office action is in response to communication(s) filed on February 27, 2009.
2. Applicant's election of Species I (corresponding to Claims 34, 37 and 40) without traverse in the reply filed on February 27, 2009 with cancellation of non-elected species (corresponding to claims 35, 36, 38, 39, 41 and 42) is acknowledged.
3. Claims 1-33, 35-36, 38-39 and 41-42 have been cancelled.
4. Claims 34, 37 and 40 were previously-added for consideration (October 22, 2008).
5. Claims 34, 37 and 40 are currently pending.
6. The objection to "TITILE" is withdrawn in view of Applicant's amendment with a new title.
7. The rejections under 35 U.S.C. §112, second paragraph, to Claim 4 is withdrawn in view of applicant's cancellation to the claims.
8. The rejections under 35 U.S.C. §101 to Claims 17-24 and 31-33 are withdrawn in view of applicant's cancellation to the claims.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 34, 37 and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Reed (U.S. Patent No. 6,426,801 B1).

**With regard to claim 34**, the claim is drawn to an image processing apparatus (*see Reed, i.e. Figure 1, "Stand-alone Printer 20"*) which comprises a connection unit connected to an external processing apparatus (*see Reed, i.e. Figure 5, "parallel port 54" and "parallel cable 64"*), and which further comprises plural card slots (*see Reed, i.e. Figure 1, "first driver 32", "second driver 34"*) in which plural kinds of detachable memory cards are respectively inserted (*see Reed, i.e. Fig. 2, "solid state memory card 36"*; also *see col.3 ll 22-63, for further details*), comprising:

a reading unit constructed to read out data from memory cards inserted in the card slots (*see Reed, i.e. Figure 7 and col. 3, ll 22-38, discloses "The printer 20 also comprises a first drive 32 and a second drive 34 for receiving a computer readable medium. As used herein, the term "drive" is intended to mean a structure which is capable of interfacing with (e.g., reading and/or writing to) a computer readable medium. As such, a drive may be adapted to interface with, for example, a spinning magnetic disk or a stationary solid state card. Suitable drives can be provided in the form of a floppy drive, a tape drive, an optical drive, a flash memory drive, or any other device capable of reading and/or writing to a computer readable medium. The computer readable medium suitable for use with the first and second drives can be any storage medium having a specific physical substrate configuration which is capable of interfacing with a digital device, such as a camera or scanner, and which is capable of storing one or more digital representations of an image captured by the digital device in the form of computer graphic files"*); and

an access control unit constructed to set a card slot as an accessible card slot which the reading unit can access (*see Reed, i.e. Fig. 8, Steps 86, 94 and 96 illustrates the processing flow*

*of detecting the card (or any other storage medium) in either one of the three "drives" (or slots) to then proceed t" Step 88),*

wherein, in an initializing state after a power supply is turned on, the access control unit sets a card slot in which a memory card is first inserted as the accessible card slot, sets the card slots other than the accessible card slot as inaccessible, and does not change the setting of the accessible card slot until the power supply is turned off (see Reed, i.e. col. 5, ll 26-51, discloses "Referring to FIGS. 8 and 9, the initialization routine 74 is initiated when power is first supplied to the printer 20 as shown in block 80. Preferably, the initialization routine 74 begins execution with block 82, wherein it is determined whether a user of the printer 20 has selected execution of a diagnostic menu. ... If the diagnostic menu has not been selected by a user of the printer 20, execution passes to block 86 where the first drive 32 is queried to determine if a flash memory card (e.g., 36 of FIG. 2) is inserted therein. For purposes of discussion herein, a drive having a computer readable medium disposed therein which is detected by the first controller 70 will be referred to herein as an active drive. If a flash memory card is detected, execution passes to block 88 where the flash memory card is accessed to determine if there is an update file 87 (FIG. 9) disposed thereon."; also col. 5, ll 63-67, discloses "... the update file 87 can be copied from the computer 62 to a flash memory card 36 installed in one of the first drive 32 or second drive 34 or to a disk installed in the third drive 56, after which the update file can be detected by the first controller 70 as described in blocks 86, 94 or 96 ...").

**With regard to claim 37**, the claim is drawn to a method of controlling an image processing apparatus (see Reed, i.e. Figure 1, "Stand-alone Printer 20") which comprises a

connection unit connected to an external processing apparatus (see Reed, i.e. Figure 5, "parallel port 54" and "parallel cable 64"), and which further comprises plural card slots (see Reed, i.e. Figure 1, "first driver 32", "second driver 34") in which plural kinds of detachable memory cards are respectively inserted (see Reed, i.e. Fig. 2, "solid state memory card 36"; also see col.3 ll 22-63, for further details), comprising:

reading out data from memory cards inserted in the card slots (see Reed, i.e. Figure 7 and col. 3, ll 22-38, discloses "The printer 20 also comprises a first drive 32 and a second drive 34 for receiving a computer readable medium. As used herein, the term "drive" is intended to mean a structure which is capable of interfacing with (e.g., reading and/or writing to) a computer readable medium. As such, a drive may be adapted to interface with, for example, a spinning magnetic disk or a stationary solid state card. Suitable drives can be provided in the form of a floppy drive, a tape drive, an optical drive, a flash memory drive, or any other device capable of reading and/or writing to a computer readable medium. The computer readable medium suitable for use with the first and second drives can be any storage medium having a specific physical substrate configuration which is capable of interfacing with a digital device, such as a camera or scanner, and which is capable of storing one or more digital representations of an image captured by the digital device in the form of computer graphic files"); and

setting a card slot as an accessible card slot which can be accessed to read data (see Reed, i.e. Fig. 8, Steps 86, 94 and 96 illustrates the processing flow of detecting the card (or any other storage medium) in either one of the three "drives" (or slots) to then proceed t " Step 88),

wherein, in an initializing state after a power supply is turned on, a card slot in which a memory card is first inserted is set as the accessible card slot, the card slots other than the

accessible card slot are set as inaccessible, and the setting of the accessible card slot does not change until the power supply is turned off (*see Reed, i.e. col. 5, ll 26-51, discloses "Referring to FIGS. 8 and 9, the initialization routine 74 is initiated when power is first supplied to the printer 20 as shown in block 80. Preferably, the initialization routine 74 begins execution with block 82, wherein it is determined whether a user of the printer 20 has selected execution of a diagnostic menu. ... If the diagnostic menu has not been selected by a user of the printer 20, execution passes to block 86 where the first drive 32 is queried to determine if a flash memory card (e.g., 36 of FIG. 2) is inserted therein. For purposes of discussion herein, a drive having a computer readable medium disposed therein which is detected by the first controller 70 will be referred to herein as an active drive. If a flash memory card is detected, execution passes to block 88 where the flash memory card is accessed to determine if there is an update file 87 (FIG. 9) disposed thereon."*; also col. 5, ll 63-67, discloses "... the update file 87 can be copied from the computer 62 to a flash memory card 36 installed in one of the first drive 32 or second drive 34 or to a disk installed in the third drive 56, after which the update file can be detected by the first controller 70 as described in blocks 86, 94 or 96 ...").

**With regard to claim 40**, the claim is drawn to a computer-readable storage medium storing a computer-executable program for controlling an image processing apparatus (*see Reed, i.e. Figure 1, "Stand-alone Printer 20"*) which comprises a connection unit connected to an external processing apparatus (*see Reed, i.e. Figure 5, "parallel port 54" and "parallel cable 64"*), and which further comprises plural card slots (*see Reed, i.e. Figure 1, "first driver 32", "second driver 34"*) in which plural kinds of detachable memory cards are respectively inserted

(see Reed, i.e. Fig. 2, "solid state memory card 36"; also see col.3 ll 22-63, for further details), said program comprising the steps of:

reading out data from memory cards inserted in the card slots (see Reed, i.e. Figure 7 and col. 3, ll 22-38, discloses "The printer 20 also comprises a first drive 32 and a second drive 34 for receiving a computer readable medium. As used herein, the term "drive" is intended to mean a structure which is capable of interfacing with (e.g., reading and/or writing to) a computer readable medium. As such, a drive may be adapted to interface with, for example, a spinning magnetic disk or a stationary solid state card. Suitable drives can be provided in the form of a floppy drive, a tape drive, an optical drive, a flash memory drive, or any other device capable of reading and/or writing to a computer readable medium. The computer readable medium suitable for use with the first and second drives can be any storage medium having a specific physical substrate configuration which is capable of interfacing with a digital device, such as a camera or scanner, and which is capable of storing one or more digital representations of an image captured by the digital device in the form of computer graphic files"); and

setting a card slot as an accessible card slot which can be accessed to read data (see Reed, i.e. Fig. 8, Steps 86, 94 and 96 illustrates the processing flow of detecting the card (or any other storage medium) in either one of the three "drives" (or slots) to then proceed to "Step 88),

wherein, in an initializing state after a power supply is turned on, a card slot in which a memory card is first inserted is set as the accessible card slot, the card slots other than the accessible card slot are set as inaccessible, and the setting of the accessible card slot does not change until the power supply is turned off (see Reed, i.e. col. 5, ll 26-51, discloses "Referring to FIGS. 8 and 9, the initialization routine 74 is initiated when power is first supplied to the printer



20 as shown in block 80. Preferably, the initialization routine 74 begins execution with block 82, wherein it is determined whether a user of the printer 20 has selected execution of a diagnostic menu. ... If the diagnostic menu has not been selected by a user of the printer 20, execution passes to block 86 where the first drive 32 is queried to determine if a flash memory card (e.g., 36 of FIG. 2) is inserted therein. For purposes of discussion herein, a drive having a computer readable medium disposed therein which is detected by the first controller 70 will be referred to herein as an active drive. If a flash memory card is detected, execution passes to block 88 where the flash memory card is accessed to determine if there is an update file 87 (FIG. 9) disposed thereon.”; also col. 5, ll 63-67, discloses “... the update file 87 can be copied from the computer 62 to a flash memory card 36 installed in one of the first drive 32 or second drive 34 or to a disk installed in the third drive 56, after which the update file can be detected by the first controller 70 as described in blocks 86, 94 or 96 ...”).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-42 have been considered but are moot in views of: cancellations of claims 1-33, 35-36, 38-39 and 41-42, and the new ground(s) of rejection with regard to pending claims 34, 37 and 40.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Sekikawa et al. (U.S. Patent No. 5,498,658) disclose a digital copy apparatus.

- B. Hanaoka et al. (U. S. Patent No. 6,804,023) disclose an information communication system.
- C. Reed (U.S. Patent No. 6,665,092) discloses a stand-alone printer provided with a first drive, second, and third drives capable of receiving the computer readable medium stored with digital representation of data.
- D. Narusawa et al. (U.S. Patent No. 6,947,171) disclose a multifunction printer, each having a card reader.
- E. Masumoto et al. (U.S. Patent No. 7,298,523) disclose a print apparatus which receives image data from a digital camera, PC card, or PC.
- F. Nitta (U.S. Patent No. 6,882,440) discloses a printer, image processing device and method.
- G. Kakigi et al. (U.S. Patent No. 2002/0054350) disclose an image recording device and method.
- H. Pierre Bertin et al. (U.S. Patent No. 2002/0029090) disclose an invention relates to an apparatus for receiving an audiovisual program comprising a circuit for communication with means of connection to a bidirectional communication network, wherein the apparatus comprises a first connector for communication with a master apparatus; a second connector for communication with a peripheral apparatus.
- I. Hirai et al. (U.S. Patent No. 2002/0051227) disclose a facsimile device having SD memory card reader and writer for accessing the data.
- J. Hunter (U.S. Patent No. 6,914,698) discloses a method and apparatus for printing image files, see Fig. 4A and 4B.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 7:30 a.m.-5p.m., Alt. Friday Off.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacky X. Zheng/

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Examiner, Art Unit: 2625

April 23, 2009

/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625